

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

Case No. 2:23-CV-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT NOTICE

Plaintiff Headwater Research LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung,” and with Headwater, the “Parties”) file the following Notice pursuant to the Court’s December 23, 2024 Order (Dkt. No. 468) regarding the Parties’ Joint Motion for Continuance (Dkt. No. 466). The parties jointly notify the Court as follows:

As set forth in Samsung’s Notice and Status Report (Dkt. No. 469), on December 23, 2024, Samsung wrote Administrative Law Judge Doris J. Hines—the ALJ presiding over the 337-TA-1400 Investigation—to explore a scheduling accommodation to account for a conflict of Samsung’s sole technical expert, Dr. Dan Schonfeld, who is scheduled to testify in the -1400 Investigation during the week of January 13th, which is the same week trial is scheduled for in the above-captioned -422 action. Later on December 23rd, ALJ Hines issued an Order, instructing Complainant and Respondent in the -1400 Investigation to “confer as best as possible and file their respective positions on possible solutions [to the scheduling conflict] no later than COB Thursday December 26, 2024.” Dkt. No. 469 at Ex. 2.

Complainant and Respondent in the ITC submitted a joint proposal to the ALJ on December 26, 2024, setting forth scheduling modifications under which Dr. Schonfeld could testify in the -1400 Investigation proceedings during the start of the week of January 13th and also testify in person, that same week, in the -422 case before Your Honor. Ex. 1. Specifically, the ITC parties proposed that Dr. Schonfeld would testify at the ITC in the late afternoon of January 13th, after which point he would be released to travel to this District in order to testify in person in this case later that week. *Id.* The ITC parties then proposed flexible options for Dr. Schonfeld to testify for a second time at the ITC (in Complainant's rebuttal case) depending on when his testimony in this case concludes. *Id.*

After considering Complainant's and Respondent's joint proposal, ALJ Hines issued an order, on December 30, 2024, adopting the -1400 Investigation parties' proposal to modify the ITC hearing schedule to permit Dr. Schonfeld to testify in person in this case. Ex. 2. As such, the parties here understand that Dr. Schonfeld will testify in the -1400 Investigation on January 13th and would be available to testify in this case later in the same week.

Based on the ITC's accommodation, Headwater respectfully withdraws its joinder of the Motion for Continuance.

Samsung's Position

Samsung respectfully requests that, to the extent the Court plans to deny the parties' Joint Motion for Continuance (a motion now urged only by Samsung)¹ and begin trial in the -422 action on January 13th, 2025, Dr. Schonfeld be permitted to start his direct testimony in this case on

¹ Samsung continues to believe that having one expert juggle two cases in overlapping trials with burdensome back and forth travel half way across the country hinders critical and important trial preparation, and thus the best course forward is to conduct the Headwater 1 trial in the January 27th setting and grant the relief set forth in the parties' Joint Motion for Continuance.

Thursday, January 16, 2025. Dr. Schonfeld is not expected to complete his ITC testimony until the end of the day, January 13th, in Washington D.C., and he will plan to travel from Washington D.C. to Marshall as soon as flight schedules permit—arriving no later than some time on January 14th. Starting Dr. Schonfeld’s testimony on January 16th, and not before, will give Dr. Schonfeld time to review the daily transcripts for portions of the proceeding he was unable to attend and make any corresponding final adjustments to his trial presentation. Samsung believes that: (1) based on the current expected order of the parties’ witnesses, it is likely Dr. Schonfeld would not begin testifying until Thursday morning either way, and (2) assuming Dr. Schonfeld’s testimony begins on Thursday, the parties should be able to finish their respective trial presentations and closing arguments by the end of the court day on Friday, January 17th, as scheduled.

Headwater’s Position

Headwater does not object to Samsung reordering its witnesses to ensure that Dr. Schonfeld does not testify until Thursday, January 16.

Dated: December 30, 2024

Respectfully submitted,

By: /s/ Marc Fenster
Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530

By: /s/ Ruffin B. Cordell
Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice*)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000
Washington, D.C. 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Thad C. Kodish
GA Bar No. 427603

Philip Wang
CA State Bar No. 262239
Amy Hayden
CA State Bar No. 287026
James Milkey
CA State Bar No. 281283
Jason M. Wietholter
CA State Bar No. 337139
James N. Pickens
CA State Bar No. 307474
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
headwater@raklaw.com

**ATTORNEYS FOR PLAINTIFF,
HEADWATER RESEARCH LLC**

tkodish@fr.com
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
Nicholas A. Gallo (*pro hac vice*)
GA Bar No. 546590
gallo@fr.com

Steffen C. Lake (*pro hac vice*)
GA Bar No. 512272
lake@fr.com
Sara C. Fish
sfish@fr.com
GA Bar No. 873853
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Katherine H. Reardon
NY Bar No. 5196910
reardon@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214)747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
John W. Thornburgh
CA Bar No. 154627

thornburgh@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
Harry L. Gillam, Jr.
State Bar No. 07921800
gil@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Andrew Thompson (“Tom”) Gorham
State Bar No. 24012715
tom@gillamsmithlaw.com
James Travis Underwood
State Bar No. 24102587
travis@gillamsmithlaw.com
GILLAM & SMITH, LLP
102 N. College, Ste. 800
Tyler, Texas 75702
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Grant Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
Jon Hyland
jhyland@hilgersgraben.com
Texas Bar No. 24046131
Theodore Kwong
tkwong@hilgersgraben.com
Texas Bar No. 4087871
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: 469-751-2819

Lance Lin Yang

CA. Bar No. 260705
Lanceyang@quinnemanuel.com
Sean S. Pak
CA Bar No. 219032
seanpak@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600

ATTORNEYS FOR DEFENDANTS
SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on December 30, 2024. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A) and via electronic mail.

/s/ Benjamin K. Thompson
Benjamin K. Thompson

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the parties met and conferred regarding this notice on December 30, 2024.

/s/ Benjamin K. Thompson
Benjamin K. Thompson